



SECTION 42A REPORT

Officer's written right of reply – 31 October 2025

Hearing 15A – Special Purpose Zones

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1 Introduction

1. My name is Jerome Wyeth and I am the author of the section 42A reports for the Kauri Cliffs Special Purpose Zone (**KCZ**) and Carrington Estate Special Purpose Zone (**CAR-SPZ**) in the Proposed Far North District Plan (**PDP**), which were considered at Hearing 15A held on 25 August 2025.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the section 42A reports referred to above and request that the Hearings Panel take this as read.

2 Purpose of report

3. The purpose of this right of reply report is to respond to the evidence and statements of submitters and further submitters that was pre-circulated and presented at Hearing 15A in relation to the KCZ and CAR-SPZ.

3 Consideration of evidence received

4. The following submitters provided rebuttal evidence and attended Hearing 15A raising issues relevant to the KCZ Chapter:
 - a. Waiaua Bay Farm Limited (**WBF**) (S463, FS534) who provided rebuttal evidence from Mr Tuck (planning), Mr Goodwin (landscape), Mr Bramely (ecology) and Mr Child (geotechnical).
 - b. Ngāti Kura on behalf of Moana Kiff (FS91).
5. The following submitters provided evidence and attended Hearing 15A raising issues relevant to the CAR-SPZ:
 - a. Carrington Estate Jade LP and Carrington Farms Jase LP (**CEJ**) (S351, FS401) who provided evidence from Mr Sanson (planning).
 - b. Haititaimairangi Marae Kaitiaki Trust (**HMKT**) (S394, FS339) who provided evidence from Mr Percy (planning) and Mr Paul (cultural).
6. The evidence provided and discussed at Hearing 15A raised a range of issues in relation to the relevant section 42A report recommendations, both in support and in opposition where further amendments are sought. As such, this right of reply only addresses outstanding issues where I consider additional analysis and recommendations are required. I have grouped the outstanding issues from the above submitters as follows:
 - a. Issue 1: Kauri Cliffs Special Purpose Zone Chapter
 - b. Issue 2: Carrington Estate Special Purpose Zone Chapter.
7. For all other submissions not addressed in this right of reply, I maintain my position set out in the relevant section 42A report.

3.1 Issue 1: Kauri Cliffs Special Purpose Zone Chapter

Overview

Relevant Document	Relevant Section
KCZ Section 42A Report	Section 5.2
Evidence	WBF (planning, landscape, ecology, geotechnical) Ngāti Kura (cultural)

Matters raised in evidence and at hearing

Moanna Kiff and Ngāti Kura

8. The rebuttal evidence of Ngāti Kura on behalf of Moana Kiff raises a number of issues with the continued development of the Waiaua Bay whenua from a cultural perspective. The issues raised in this rebuttal evidence include:
 - a. The history of Waiaua Bay whenua, including usage of the area, fishing activities, spiritual functions, and abundant flora and fauna among other things are under threat if Waiaua Bay continues to be subject to development activities.
 - b. Development of Kauri Cliffs should require a Cultural Impact Assessment (CIA) to document assess the potential impact on the environment and cultural values before any development occurs.
 - c. Waiaua Bay contains archaeologically and spiritually significant sites that are yet unrecorded and are at risk due to the planned development at Kauri Cliffs. Therefore, increased human traffic in this area is disrespectful towards the remaining members of Waiaua Bay whanau, as there is a strong spiritual connection pertaining to Waiaua Bay.
 - d. Damage has already been done to te taiao and to continuously put te taiao under pressure alters the flora and fauna, and the community associated with the place. Ngāti Kura consider that any further development and human activities would only harm the history and traditions associated with moana, te taiao, Māoritanga, and tangata whenua of the place.
9. Overall, Ngāti Kura raise concern that their claims raised so far in relation to the development of Waiaua Bay have been dismissed. Ngāti Kura consider this is a breach of te Tiriti, all other legislative mechanisms, United Nations Democratic Rights of Indigenous Peoples, among others aimed at protecting Māori history, cultural, spiritual, and ancestral connection to a specific place, as kaitiaki.
10. During the hearing, Moanna Kiff, supported by Andrea Milovan and Ngāti Kura, presented hearing statements reiterating the concerns above. The key



concerns raised at the hearing include inadequate consultation in the development of Kauri Cliffs, that their views are not appropriately considered, and they are concerned with the scale of development enabled within the KCZ (up to 60 residential dwellings) and consider that this will place significant pressure on their ancestral whenua and in particular Waiaua Bay. Concerns and questions were also raised about the lack of specific recognition and provision for cultural values in the Master Plan and the provisions in the KCZ Chapter.

KCZ-R2 CON-1 - Matters of control

11. Mr Tuck reiterates his recommendation for matter of control (d) in KCZ-R2 to be amended as follows:

"d. any adverse visual effects and the extent to which mitigation measures ensure that such effects are no more than minor the degree to which the landscape will retain its open character and visual value."

12. Mr Tuck notes that my recommended amendments to KCZ-R2 CON-1 retain existing matter (d) and add the requested amendments above as new matter of control (e). However, both Mr Tuck and Mr Goodwin maintain that matter of control (d) should be replaced with the text set out above as the Kauri Cliff Lodge sub-zone does not have an "open character", and "visual value" is not a phrase landscape architects typically use.

KCZ-R8 - Farming

13. The original submission from WBF requested that KCZ-R8 be retained as notified. As such, I did not recommend any changes to this rule in the KCZ Section 42A Report.
14. However, Mr Tuck has since identified that the rule should also permit farming in the Golf Playing sub-zone so that grazing currently undertaken in the Golf Living sub-zone can continue if that sub-zone is replaced by the Golf Playing sub-zone. Therefore, Mr Tuck, requests that KCZ-R8 is amended to also refer to "Kauri Cliffs zone: Golf playing sub-zone".

KCZ-S1 - Buildings or structures – matters of discretion

15. Mr Tuck considers that matter of discretion (a) in KCZ-S1 to "*adverse visual effects on the natural environment*" is too vague and reiterates the request to amend the matter of discretion as follows:

"a. any adverse visual effects on the natural environment and the extent to which mitigation measures ensure that adverse visual such effects are no more than minor;"

16. Mr Tuck notes that the recommendations in the KCZ Section 42A Report is to accept the drafting of clause (a) while also adding an additional clause (h) to the matters of discretion as follows:



"h. adverse effects on the characteristics, qualities and values of the special purpose zone, the coastal environment and natural landscapes and mitigation for those adverse effects."

17. Rather than include an additional matter of discretion, Mr Goodwin recommends a single matter of discretion in clause (a) of KCZ-S1 as follows:

"a. ~~any adverse visual effects on the natural environment and the extent to which mitigation measures appropriately manage potential adverse effects on the characteristics, qualities and values of the landscape within the special purpose zone and Golf Living sub-zone~~ ensure that visual effects are no more than minor."

18. Mr Tuck supports the above recommendation as he considers it appropriately focuses the assessment of effects on the range of landscape values present in the KCZ and any proposed mitigation measures.

SUB-R3

19. Mr Tuck supports the recommended consolidation and structuring of SUB-R3 as set out in the KCZ Section 42A Report. In particular, Mr Tuck considers that this provides concise and clear direction about the outcome that the Landscape Planting and Management Plan must demonstrate.

20. However, Mr Tuck raises some concern with additional matter of discretion (i) to SUB-R3 to a subdivision-specific rule, because the matter refers to subdivision and development more broadly. Therefore, Mr Tuck and Mr Goodwin recommend amendments to focus the matters of discretion on the outcomes enabled by subdivision, rather than on building architecture/design, which they consider is a matter most appropriately managed by the KCZ rules for buildings and structures.

21. Accordingly, Mr Goodwin recommends that, if matter of discretion (i) in SUB-R3 is retained, it should be amended as follows:

"i. design of the lot layout and building ~~platforms~~ selection to ~~minimise reduce adverse landscape and visual effects, including by clustering development and being setback from high points and major ridges.~~"

Correction of minor errors

22. The rebuttal evidence of Mr Tuck also identifies minor issues and errors with the provisions for the KCZ which he requests to be corrected. The minor errors relate to KCZ-P6, KCZ-R7, SUB-R3 RDIS-2, and a mapping error notified in the PDP as follows:

- a. **KCZ-P6** - the words "of the" should be inserted between the words "values" and "coastal" as follows: "... *and adverse effects on the characteristics, qualities and values of the coastal environment and rural landscape values...*"



- b. **KCZ-R7** - the second row includes a typographical error whereby the word "playing" should be deleted to refer only to the "Golf living sub-zone". Mr Tuck also identifies that matter of control (f) "*the matters of any infringed standard*" of KCZ-R7 should be deleted as KCZ-R7 PER-1 does not cross reference specific standards that could be infringed.
 - c. **SUB-R3 RDIS-2** - clause (f) should be corrected to refer to "Landscape Planting and Management Plan".
23. **Mapping error** – noted that the KCZ Section 42A Report does not comment on the mapping error which incorrectly applies the Rural Production Zone to land which should be Kauri Cliffs Zone (Golf Playing sub-zone). Mr Tuck continues to seek that this error is corrected

Geotechnical rebuttal evidence

24. In relation to KCZ-S1, KCZ-S2, and SUB-R3, Mr Tuck notes that I have adopted his recommendation to reserve discretion over "*the stability of land, buildings and infrastructure*". Mr Tuck considers that this ensures that the geotechnical effects of subdivision and development in the KCZ require express attention and management through future resource consent processes.
25. Mr Child's rebuttal evidence considers the matters raised in the Geologix peer review. Mr Child concludes that the considerations raised are required to be addressed by the recommended provisions (KCZ-S1, KCZ-S2 and SUB-R3) which will ensure detailed geotechnical reporting accompanies future resource consent applications.

Ecology rebuttal evidence

26. In response to the peer review of his ecological evidence by Ms Andrews, Dr Bramley has prepared an additional map to cross-reference the indicative development layout shown on the Master Plan for the KCZ with the primary ecological features that are present on the KCZ site. This map is appended to Dr Bramley's rebuttal evidence as Attachment 1.
27. Mr Tuck considers that this map prepared by Dr Bramley confirms that there are no intersections between the indicative development layout and areas of ecological sensitivity. The exception is at the Waiaua Stream, where a bridge would be necessary to link the northern and southern areas of the Golf Living sub-zone. However, Mr Tuck considers that those effects can be assessed and managed through future consenting processes.

Other matters raised at hearing

28. During the hearing, a number of other matters were raised by the Hearing Panel for future consideration with the key matters relating to:



- a. Whether the Master Plan included in the evidence of Mr Tuck should be referred to in some way (e.g. in the overview) as a way of recognising this work (e.g. as a “touch stone”) when future development is proposed.
- b. The lack of specific reference to cultural values in the provisions in the KCZ Chapter and whether this should be more explicit, including any requirements for CIA reports.
- c. Consideration of a wider CIA to inform the future development of the KCZ rather than preparing ad hoc CIA reports in response to individual applications from WBF.
- d. Consultation that has been undertaken with tangata whenua and past and existing relationships between WBF and tangata whenua.

Analysis

Cultural considerations

29. Firstly, I acknowledge the concerns of Moanna Kiff and Te Whanaunui o Waiaua o Ngāti Kura with the development of KCZ from a cultural perspective and in particular Waiaua Bay which is a place of historical and cultural significance to tangata whenua. However, in my view, many of the concerns raised at the hearing and in their evidence relate to broader relationship issues between WBF and Ngāti Kura and are outside the scope of what can be addressed through the PDP and any recommendations I can make to the provisions in the KCZ Chapter.
30. Notwithstanding this, I do agree that there are some limitations in the KCZ provisions in terms of the lack of any specific consideration of cultural values. I have addressed a similar issue in Hearing 3 in relation to the Ngawha Innovation and Enterprise Special Purpose Zone where I stated (**emphasis added**):

With respect to engagement with tangata whenua, it is important to look at the PDP as a whole, rather than chapter by chapter. The PDP includes a specific Tangata Whenua chapter in Part 1, which sets out a range of objectives and policies relating to tangata whenua interests and values including direction to provide tangata whenua with opportunities to participate as kaitiaki in resource management processes. Of particular relevance is TW-P6 which sets out a range of matters to consider when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga. I understand that the intent of the PDP is to consolidate the direction relating tangata whenua



values in the Tangata Whenua chapter¹ to help avoid unnecessary duplication of these provisions across every chapter of the PDP and ensure a consistent approach is taken to recognise and provide for tangata whenua interests and values.

*.... However, I note that NIEP-P7 (being the policy that sets out matters to be considered when assessing land use and subdivision consents) does not cross reference to TW-P6, which is inconsistent with other PDP zone chapters. **The intent of the PDP was to ensure that TW-P6 is consistently referenced across all zone chapters as a 'hook' to ensure tangata whenua values and engagement with the relevant iwi, hapū or marae is considered within each zone where relevant.** As such, I recommend that NIEP-P7 is amended to cross-reference Policy TW-P6...*²

31. In my view, these conclusions are equally applicable to the KCZ Chapter which does not reference TW-P6. I also note that TW-P6(d) specifically refers to *"whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the Iwi, Hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes"*. In my view, this specific consideration of CIAs in TW-P6 is particularly relevant to some of the concerns raised by Moanna Kiff at Hearing 15B and as outlined above.
32. The difficulty in incorporating a "hook" to TW-P6 in the KCZ provisions is that there is no "consideration" policy at the end of the policies like many of the other zone chapters in the PDP. Therefore, I recommend a new policy "KCZ-PX" is included at the end of the policies in the KCZ Chapter as follows:

When assessing and managing the effects of land use and subdivision within the Kauri Cliff zone, consider any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

33. In my view, this will help ensure that there is specific consideration of cultural values in the future development of the KCZ consistent with the stated intent from WBF and also act as a specific prompt to prepare and consider CIA report through future consenting processes, while also improve consistency and integration with other PDP chapters.

¹ Footnote in the Ngawha Innovation and Enterprise Special Purpose Zone Section 42A Report stated, *"Also of particular relevance is the sites and areas of significance to Māori chapter which sets out specific direction to protect these sites and areas, and the Māori Purpose Zone and Treaty Settlement Overlay chapters which set out specific provisions relating to Māori land and Treaty Settlement Land respectively"*.

² Section 42A report, paragraph 116: [Microsoft Word - S42A Report - Ngawha](#)



Matters of control/discretion and minor issues

34. The majority of outstanding issues in the rebuttal evidence from WBF are primarily matters of detail to improve workability and address identified drafting issues/omissions. In this respect, I am broadly supportive of the further amendments sought by Mr Tuck and have largely incorporated them into my recommended amendments to the KCZ Chapter in Appendix 1.1.
35. The more substantive amendments requested by Mr Tuck relate to the matters of controls (KCZ-R2-CON-1) and matters of discretion (KCZ-S1, KCZ-S2, SUB-R3) to improve these considerations from a landscape perspective which has been informed by the landscape rebuttal evidence of Mr Goodwin. I have sought advice on these amendments from Ms Absolum from a landscape perspective who confirms that she supports the amendments.
36. On this basis, I recommend the relevant matters of control and discretion are amended as requested by Mr Tuck. However, I recommend a minor addition to the matters of discussion in KCZ-S1(a) and KCZ-S2(a) to refer to "natural character" in addition to "landscapes" and to refer to "Kauri Cliffs zone" (rather than the "special purpose zone") for consistency.

Mapping error

37. I recommend that the mapping issue identified by Mr Tuck is addressed as I understand that this is aligned with the ODP mapping and there was no intent to rezone this area of the Kauri Cliffs Zone to Rural Production Zone (RPROZ).

Referencing the Master Plan within the KCZ Chapter

38. In my view, the Master Plan and associated technical assessments included as Appendix 4 of Mr Tuck's evidence in chief has been valuable in informing the requested amendments to the KCZ Chapter and to better understand the feasibility of the anticipated residential development within the Golf Living sub-zone. However, I share the same reservations as Mr Tuck in referring to the Master Plan within the KCZ Chapter given its purpose which Mr Tuck has described as follows:

*"The Master Plan is not intended as an extensive analysis of, or detailed design for, a future residential subdivision and development. It is not intended to drive resource consent application processes. As such, I have not recommended that it be included as a reference document to the Proposed Plan, and I do not recommend that the KCZ should require accordance with the Master Plan through a rule or standard. The Master Plan simply demonstrates the feasibility of the rezoning, in the expectation that once rezoned, further detailed assessments and design will inform future resource consent applications"*³.

³ Evidence of Mr Tuck, paragraph 77.



39. I also understand that the Master Plan it is intended to be a “living document” and will be updated to inform future consenting processes as appropriate. This could include, for example, more detailed consideration of cultural values and how to provide for these in light of the evidence and discussions through this Hearing 15B. For these reasons, I do not recommend that the Master Plan is specifically referred to in the KCZ Chapter, but I still expect it to be of value in informing more detailed assessments and designs through future consenting processes.

Recommendation

40. For the above reasons, I recommend:

- a. The KCZ Chapter is amended to include a new policy as follows
“When assessing and managing the effects of land use and subdivision within the Kauri Cliff zone, consider any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6”.
- b. The KCZ Chapter is amended as set out in Appendix 1.1 to refine the matters of control and discretion and address/refine minor drafting issues.
- c. SUB-R3 is amended as it relates to the KCZ as set out in Appendix 1.2 to refine the restricted discretionary conditions and matters of discretionary.
- d. The PDP maps are amended to replace the RPROZ with KCZ to address the identified issue error (as shown in Appendix 2 of Mr Tuck’s evidence in chief, pg.60).

Section 32AA evaluation

41. The amendments I am recommending to the KCZ Chapter, subdivision rule and PDP maps are primarily minor amendments to improve clarity and address identified issues, along with a new policy to provide a better link to TW-P6 in the Tangata Whenua Chapter consistent with other zone chapters in the PDP. I therefore consider that my recommended amendments are an appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

3.2 Issue 2: Carrington Estate Special Purpose Zone Chapter

Overview

Relevant Document	Relevant Section
CAR-SPZ Section 42A Report	Section 5.2



Relevant Document	Relevant Section
Evidence and hearing statements with outstanding issues	CEJ (planning) HMKT (planning and cultural)

Matters raised in evidence

Overarching issues with the CAR-SPZ provisions and extent of zoning

42. The planning evidence of Mr Percy on behalf of HMKT raises a number of overarching issues with the CAR-SPZ. More specifically, Mr Percy has identified “*three key planning themes*” with the CAR-SPZ within his evidence as follows:

- a. **The interaction between the CAR-SPZ and existing resource consents** – Mr Percy considers that there is an issue of regulatory duplication arising from the resource consents being transposed into the PDP while the resource consents are still in effect.
- b. **The extent of the CAR-SPZ** – Mr Percy questions the need for, and appropriate extent of, the CAR-SPZ as a planning mechanism in the PDP given that large part of the CAR-SPZ is used in a manner consistent with the RPROZ. Mr Percy considers that there has been no meaningful evaluation of whether RPROZ would be more appropriate zoning and management approach for the majority of the CAR-SPZ that is not intended to be used for resort and tourism activities.
- c. **CAR-SPZ provisions and Carrington Estate Development Plan and Schedule** – Mr Percy considers that there is a lack of clarity and certainty in the drafting of the CAR-SPZ provisions that impacts their efficiency and effectiveness. Mr Percy considers that the policies and rules are imprecise and inconsistent, use a number of undefined terms, and that the reference to a Carrington Estate Development Plan and Schedule in the provisions is difficult to apply in practice.

43. Mr Percy considers that the above issues with the CAR-SPZ zoning and provisions can be resolved by:

- a. Either removing the CAR-SPZ zoning from the entire site or reduce its extent so that it reflects the development footprint of the consented Carrington Estate development (and be a “development area” rather than a SPZ). Mr Percy considers that doing this would resolve the issue of the PDP not giving effects to the National Planning Standards⁴ and align the management framework in the

⁴ Specifically, Zone Framework Standard 8.3 which only allows for additional SPZ when certain criteria are met.



PDP with the characteristics of the existing rural, farming and horticultural land uses.

- b. Removing the provisions of the CAR-SPZ that largely duplicate existing resource consents (i.e. deleting provisions that refer to the Carrington Estate Development Plan and Schedule as sought in the HMKT submission). Mr Percy considers that this would resolve the issue of the plan provisions and the resource consents both controlling the same activity (which he considers is unnecessary from a planning perspective) and the issues associated with the drafting and certainty of the provisions. Mr Percy also notes that this will still enable the owners of Carrington Estate to undertake their activities in reliance of the existing resource consents.
44. Prior to Hearing 15B, Mr Percy provided a set of marked-up amendments to the CAR-SPZ which largely deleted numerous provisions. At the hearing, Mr Percy acknowledge that this was a “coarse” attempt at redrafting and deleting provisions to address the issues identified above.

Cultural issues

45. The cultural evidence of Mr Paul on behalf of HMKT sets out the history of the of the whenua within which the CAR-SPZ now sits. Mr Paul provides an overview of wai māori and wai moana within or downstream of the CAR-SPZ, their importance of this area to HMKT as kaitiaki, and the health of the waterbodies in the context of the parts of the CAR-SPZ that have been developed.
46. Mr Paul outlines the history of the whenua and HMKT’s role in relation to the consented Carrington Estate development and the CAR-SPZ since its inception in the 1990s. In particular, Mr Paul expresses the deep mamae (hurt) and whakama (shame) that the hapu feel as a result of the consented development and the associated outcomes for the environment. Mr Paul also emphasises that a lot has changed since the resource consents for Carrington Estate were granted and that tikanga is dynamic and responds to local context.
47. In terms of the PDP process and the recommendations on the CAR-SPZ, Mr Paul requests that Far North District Council and the Hearings Panel take a step towards helping HMKT to protect their relationship and their environments within the CAR-SPZ by not continuing to include the Carrington Estate consents in the PDP for another decade. Mr Paul notes this consistent with the relief sought in their original submission to delete provisions in the CAR-SPZ that refer to the Carrington Estate Development Plan and Schedule.

CAR-SPZ rules

48. Mr Sanson, on behalf of CEJ, supports the recommended amendments to the overview, objectives and policies in the CAR-SPZ Section 42A Report.



However, Mr Sanson does not support the recommendation not to reinstate specific rules from the Operative District Plan (**ODP**) in the CAR-SPZ relating to transport, earthworks and vegetation clearance.

49. Mr Sanson is of the view that the fundamental purpose of the CAR-SPZ is to implement the Carrington Estate Development Plan and Schedule, which has its genesis in approved resource consents. Therefore, Mr Sanson considers that the application of generic district-wide rules to key operational components (e.g. earthworks) contradicts the core purpose of the approved resource consents, potentially creates inconsistency with the approved resource consents, and undermines the certainty of development that the CAR-SPZ is intended to provide.
50. In terms of the recommendation to delete the parking items in Table 1, Mr Sanson appreciates the intent of FNDC to comply with the National Policy Statement for Urban Development 2020 (NPS-UD) but questions the applicability of the NPS-UD to the CAR-SPZ. Mr Sanson considers that deleting the parking requirements in Table 1 would be inconsistent with CAR-SPZ primary objective (CAR-O1). Mr Sanson further highlights that the parking schedule in Table 1 is not an arbitrary provision but rather is an integral part of the approved plan for Carrington Estate that determined the appropriate amount and location of parking needed for the approved activities to function without adverse effects.
51. In relation to the application of the PDP district-wide earthworks and indigenous vegetation clearance rules to the CAR-SPZ, Mr Sanson considers this fails to recognise the unique status of the Carrington Estate development and the intention of CAR-P1. Mr Sanson notes that the original rule in the ODP (18.6.6.1.11) was specifically designed to enable the earthworks necessary to construct the approved golf course, buildings, and infrastructure as set out in the Carrington Estate Development Plan and Schedule.
52. To address these concerns, Mr Sanson requests three new rules (TRAN-RX, IB-RX, EW-RX) which would permit transport (including parking, access and loading), indigenous vegetation clearance and earthworks when these are undertaken in general accordance with the approved Carrington Estate Development Plan and Schedule.

Matters raised at hearing

53. A number of additional matters and questions were also raised at Hearing 15A relating to the CAR-SPZ. The key matters and questions raised include:
 - a. Whether the CAR-SPZ meets the criteria in the National Planning Standards for additional special purpose zones. Mr Percy expressed his opinion that the CAR-SPZ does not meet these criteria as it is practical to manage the activities in the CAR-SPZ through other spatial layers (e.g. development area, precinct).



- b. Whether the CAR-SPZ has value in articulating and recognising the existing environment (which the RPROZ would not). Mr Percy expressed an opinion that this should only be necessary when guiding the future development of the zone (like the KCZ, for example), not to recognise existing development.
- c.
- d. Whether the Carrington Estate Development Plan and Schedule is still relevant and of value given it has been almost 25 years since resource consents were granted. Mr Sanson expressed a view that it still has value in guiding development and activities within the CAR-SPZ even most though most of the site has been developed. Mr Sanson also noted that the rule framework ensures that deviations to Carrington Estate Development Plan and Schedule need to go through an appropriate resource consent process.

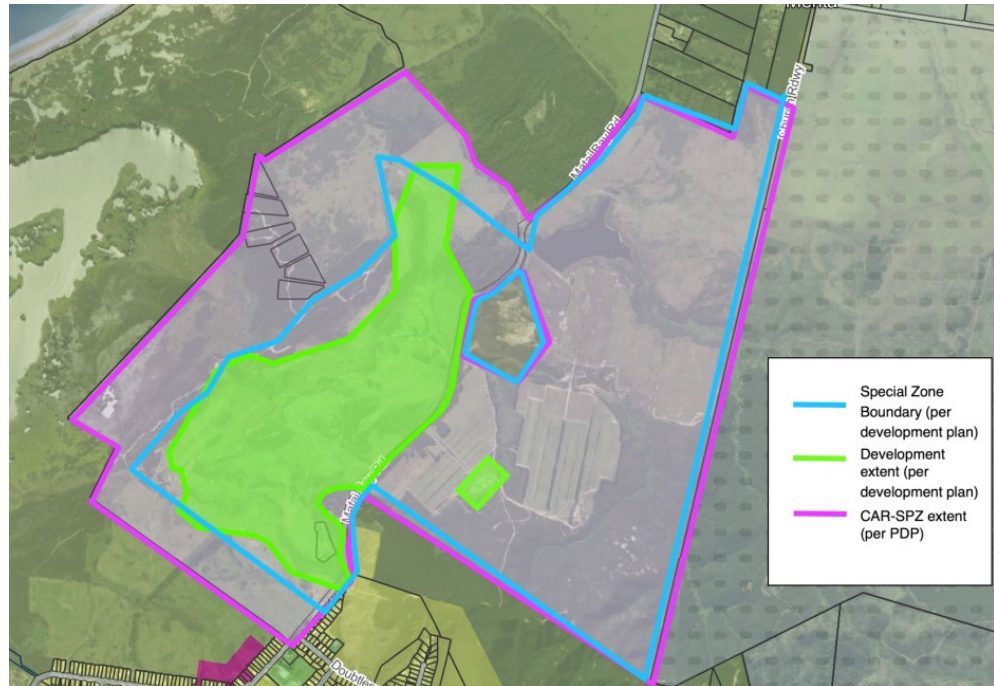
Analysis

54. In my view, the key issues to consider from the above evidence are:

- a. Issue 1 – is the geographic extent of the CAR-SPZ appropriate?
- b. Issue 2 – is a SPZ the most appropriate spatial layer for Carrington Estate and is there scope to consider alternative spatial layers?
- c. Issue 3 – should the Carrington Estate Development Plan and Schedule be referenced in the provisions?
- d. Issue 4 – should ODP provisions for Carrington Estate be reinstated in the PDP?

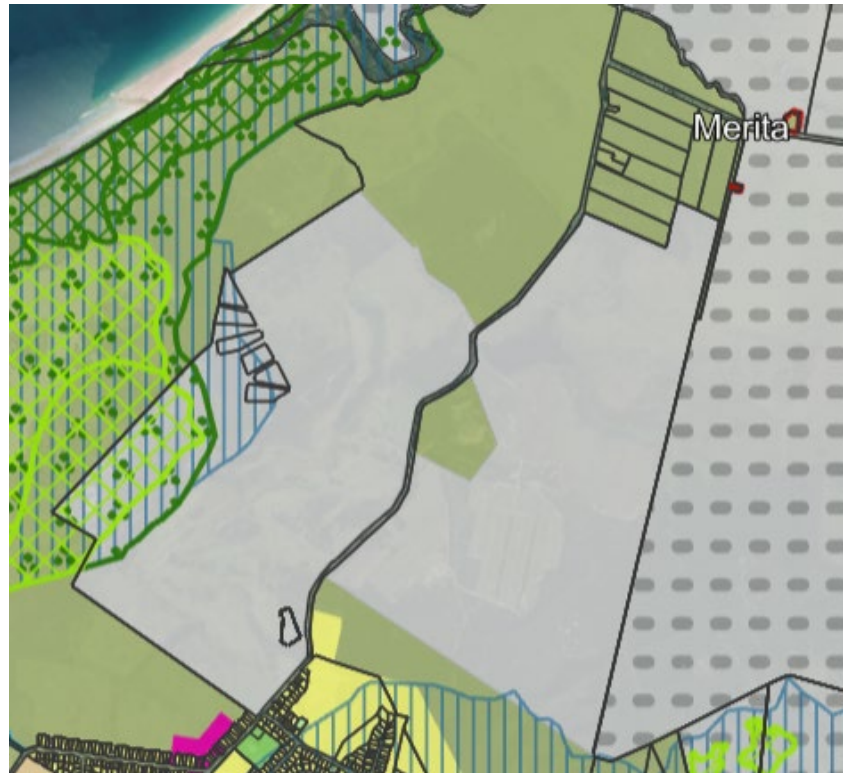
Issue 1 – Geographic extent of the CAR-SPZ

55. Firstly, I agree with Mr Percy that the geographic extent of the CAR-SPZ seems excessive given the extent of the approved development in the Carrington Estate Development Plan and Schedule (i.e. golf course, resort, winery) is much smaller. I also understand the remaining part of the CAR-SPZ is largely used in a manner anticipated under the RPROZ, including primary production. This is helpfully illustrated by Mr Percy in Appendix A of his evidence which shows the extent of the CAR-SPZ and the development extent of Carrington which I have copied below.



56. I note that reducing the extent of the CAR-SPZ to align with the Carrington Estate "development extent" shown above as requested by Mr Percy would:

- a. Better align the extent of the CAR-SPZ within the consented development shown in the Carrington Estate Development Plan and Schedule which is referenced throughout the CAR-SPZ provisions.
- b. Be consistent with the relief sought by HMKT in its further submission point on S350.001 from Carrington Estate which opposed that submission point in part, stating that HKMT support the CAR-SPZ but only ... *"to the extent that it applies to established activities – the golf course, vineyard, constructed accommodation and the restaurant"*. In my view, this provides clear scope to recommend that the geographical extent of the CAR-SPZ be reduced to be aligned with the consented and developed Carrington Estate area.
- c. Remove the CAR-SPZ from the Coastal Environment, Outstanding Natural Landscape and High Natural Character overlays in the PDP (as shown below in the western extent of the CAR-SPZ in the PDP). This may therefore help to address concerns about the relationship between the CAR-SPZ and Coastal Environment provisions and how the CAR-SPZ gives effect to higher order documents.



57. Further, in my view, Mr Percy has clearly demonstrated in his evidence that there appears to be no clear rationale for a much larger extent of CAR-SPZ compared to the consented and developed Carrington Estate area.
58. I therefore recommend that the extent of the CAR-SPZ is reduced to better align with the consented and developed area (i.e. golf course, resorts and vineyard) as reflected in the Carrington Estate Development Plan and Schedule with the remaining area of the CAR-SPZ to be rezoned to RPROZ. I consider that Appendix A of Mr Percy's evidence along with the Carrington Estate Development Plan and Schedule provides useful direction on how to amend the extent of the CAR-SPZ. More detailed mapping can also be provided the Hearing Panel if desired.

Issue 2 – Whether Carrington Estate should be retained as a SPZ or alternative spatial layer?

59. I agree with Mr Percy that there is certainly a valid question as to whether the CAR-SPZ meets the criteria in the National Planning Standards for additional special zones in a district plan. However, I do not consider that it is appropriate to undertake this evaluation at this point of the process and/or recommend an alternative spatial layer for the CAR-SPZ. This is because:
- a. I am not aware of any specific original or further submission points from HKMT or any other submitter raising concerns that the CAR-SPZ does not meet the criteria in the National Planning Standards for additional special zones or that an alternative spatial layer be applied to Carrington Estate. Rather, the submissions from HKMT request



deletion of certain provisions in the CAR-SPZ or request the extent of zoning be limited to the development area (as outlined below) but do challenge the basis of the SPZ or request it be deleted altogether. Therefore, in my view, there is no clear scope in submissions to recommend an alternative spatial layer for Carrington Estate.

- b. I consider that there will be natural justice issues challenging the overall zoning of Carrington Estate at this point of the PDP without giving CEJ and HKMT an opportunity to demonstrate how the CAR-SPZ meets (or does not meet) the criteria in the National Planning Standards for additional special zones in a district plan. This would likely require an additional procedural step following this right of reply with potentially limited benefit given the submission scope uncertainty outlined above.
 - c. This could create potential implications or inconsistencies with other SPZ in the PDP (including the KCZ) which have largely been rolled other from the PDP.
60. On this basis, while I agree with Mr Percy that an alternative spatial layer for Carrington Estate (either a precinct or development area) would better give effect to the National Planning Standards, I recommend that the CAR-SPZ is retained in the PDP at this point of the process. I also consider that this is not a critical issue to address now in my view given the policy and rule framework will be similar regardless of the spatial layer applied to Carrington Estate (particularly if RPROZ is applied outside the consented Carrington Estate development area as I have recommended above).

Issue 3 – Reference to Carrington Estate Development Plan and Schedule in the provisions

61. I appreciate the concern from Mr Percy that the reference to the Carrington Estate Development Plan and Schedule in CAR-SPZ provisions together with the existing resource consents creates regulatory overlap. I also acknowledge that the complex history of consenting processes at Carrington Estate has created uncertainty as to the extent to which the existing consents have been implemented, but that is subject to a separate legal proceeding as set out in my Section 42A Report (refer section 4.3).
62. However, I maintain my position set out in the Section 42A Report for the CAR-SPZ (refer paragraphs 53 to 56) that it is preferable to retain references to the Carrington Estate Development Plan and Schedule at this point of time. In my view, this is preferable to the alternative (i.e. deleting all the provisions that refer to the Carrington Estate Development Plan and Schedule as set out in the marked-up amendments from Mr Percy). This is because the Carrington Estate Development Plan and Schedule is central to the purpose of the CAR-SPZ, helps recognise the existing consented environment, and helps guide land use and development within the zone



through listing the activities, design guidelines and various plans under the approved consents.

63. I also do not recommend that the provisions of the CAR-SPZ are fundamentally reviewed and amended in the manner shown in the “coarse” amendments from Mr Percy. While I agree with Mr Percy that there are some drafting issues with the CAR-SPZ, I consider that there are risks in making such significant amendments at this point of the process without a more detailed understanding of the implications and evidence of the issues existing CAR-SPZ provisions are causing in practice.

Issue 4 – Reinstating ODP rules for Carrington Estate

64. There is nothing in the evidence from Mr Sanson that has changed my position section out in the Section 42A Report for the CAR-SPZ to reject the requests from CEJ to reinstate provisions in the ODP for Carrington Estate for transport, earthworks and indigenous vegetation clearance. In particular:
- a. The PDP must give effect to (i.e. implement) the NPS-UD now that Far North District Council it is a Tier 3 local authority under the NPS-UD. This is not discretionary obligation and Clause 3.38 in the NPS-UD provides clear, specific direction in my view that minimum car parking requirements must be removed from district plans. Further, as stated in my Section 42A Report, this does not prevent landowners and developers from providing car parking to meet market demand and there is no obligation to reconsider/remove existing car parking (e.g. as currently provided for in Carrington Estate).
 - b. I can see no reason to retentate ODP rules for earthworks and indigenous vegetation clearance within the CAR-SPZ given the majority of the site has been developed and, in my view, any future earthworks or indigenous vegetation clearance should be subject to the relevant controls in the Earthworks and Ecosystems and Indigenous Biodiversity Chapters in the PDP.
65. I therefore do not recommend any amendments to the CAR-SPZ to reinstate ODP transport, earthworks and indigenous vegetation clearance rules for Carrington Estate as requested by CEJ.

Recommendation

66. For the reasons above, I recommend that the CAR-SPZ is retained in the PDP, but its geographic extent is reduced to align with the consented and developed area (i.e. golf course, resorts, vineyard) with the remainder of the CAR-SPZ rezoned as RPOZ.

Section 32AA evaluation

67. The amendments that I am recommending relate to the geographic extent of the CAR-SPZ to better match the developed area of the Carrington Estate



(golf course, resorts, vineyard) which is the activities the CAR-SPZ is intended to provide for. I recommend the remaining extent of the CAR-SPZ is rezoned RPROZ which is more appropriate for the activities and land-uses outside the developed Carrington Estate area. Accordingly, I consider that my recommended to the zoning of CAR-SPZ is an appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.